

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:23-cv-00016-MR**

CHRISTOPHER ANTHONY JUDD,)	
)	
Plaintiff,)	
)	
vs.)	
)	
BUNCOMBE COUNTY, et al.,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the pro se Plaintiff's Amended Application to Proceed In District Court Without Prepaying Fees or Costs [Doc. 7] and Motion to Amend [Doc. 10].

The pro se Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983, complaining about incidents that allegedly occurred at the Buncombe County Detention Facility ("BCDF").¹ [Doc. 1]. The Plaintiff's Application to proceed in forma pauperis was denied without prejudice, and the Plaintiff was ordered to amend his Application or pay the filing fee. [Doc. 3]. Having reviewed the Amended Application, the Court is satisfied that the Plaintiff is

¹ The Plaintiff is no longer incarcerated.

unable to pay the costs of these proceedings. Therefore, his Amended Application is granted.

The Plaintiff has also filed a Motion to Amend the Complaint. [Doc. 10]. The Plaintiff's Motion to Amend will be denied as moot because he may amend as a matter of right at this juncture in the proceedings. See Fed. R. Civ. P. 15. However, the Court will refrain from screening the Complaint for frivolity for 30 days after the date of this Order as a courtesy.² Should the Plaintiff fail to file an Amended Complaint by that date, the Court will proceed on the original Complaint [Doc. 1].


IT IS, THEREFORE, ORDERED that the Plaintiff's Amended Application to Proceed In District Court Without Prepaying Fees or Costs [Doc. 7] is **GRANTED**.

IT IS FURTHER ORDERED that the Plaintiff's Motion to Amend [Doc. 10] is **DENIED AS MOOT**. The Court will refrain from screening the Complaint for frivolity for 30 days after the date of this Order as a courtesy. Should the Plaintiff fail to file an Amended Complaint by that date, the Court will proceed on the original Complaint [Doc. 1].

² Complaint forms are available on the Court's website, www.ncwd.uscourts.gov.

IT IS SO ORDERED.

Signed: August 8, 2023



Martin Reidinger
Chief United States District Judge

